SHRI SHIVRAJ V. PATIL: This is exactly what we are trying to do. I have already said that we want to facilitate the fishermen; and that is why we are trying to enter into an agreement with the Sri Lankan Government to facilitate their going to certain areas.

SHRI SU. THIRUNAVUKKARASAR: But, it does not help the fishermen. The Chief Minister himself has objected. ...*(Interruptions)*...

MR. CHAIRMAN: Please do not interrupt. ...*(Interruptions)*... Please do not interrupt. ...*(Interruptions)*...

SHRI SHIVRAJ V. PATIL: Sir, I was trying to submit that this is what the Government of India is trying to do. As far as surveillance and patrolling of that area is concerned, what the Tamil Nadu Chief Minister has told the Government of India, I do not have the information.

MR. CHAIRMAN: Question No.65. ...*(Interruptions)*... Please. ...*(Interruptions)*...

SHRI TIRUCHI SIVA: Sir, it is a very important question. ...*(Interruptions)*...

MR. CHAIRMAN: I am afraid, I cannot. ...*(Interruptions)*... I will not exceed the limit of three-supplementary rule. Question No. 65.

Tightening the existing laws for fighting terrorism

*65. PROF. ALKA BALRAM KSHATRIYA:
SHRIMATI SHOBHANA BHARTIA: ††

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether in view of terrorist strikes in various parts of the country, Government has decided to have close coordination with States across the country to tighten the existing laws;

(b) if so, the details thereof;

(c) whether Government has decided to extend special assistance to States to strengthen their machinery, system and process; and

(d) if so, the details thereof?

THE MINISTER OF HOME AFFAIRS (SHRI SHIVRAJ V. PATIL): (a) to (d) A Statement is laid on the Table of the House.

Statement

(a) and (b) The Unlawful Activities (Prevention) Act, 1967 was amended in 2004 to incorporate various provisions to deal effectively with terrorism and terrorist acts perpetrated by individuals, groups and terrorist gangs and organizations, etc. In addition, provisions to deal with terrorist and subversive activities also exist in various other laws such as The National Security Act, The Prevention of Money Laundering Act, etc. Suggestions have been received, from time to time, from various sources, regarding the need for further strengthening of the laws and other related arrangements to deal with terrorism and terror related offences. These are being examined and reviewed on a continuing basis and appropriate measures will be taken, as found necessary, as a part of this exercise.

††The question was actually asked on the floor of the House by [Shrimati Shobhana Bhartia]

(c) and (d) 'Public order' and 'Police' being State subjects under the Constitution, it is primarily in the domain of the State Governments to deal with matters relating to terrorist and other criminal activities. However, the Central Government has been supplementing the efforts of the States in this regard through a variety of measures which include: assistance to the State Governments for upgradation and modernization of the Police under the Scheme of Modernisation of State Police Forces (MPF), including strengthening of the State intelligence machinery and grants for Mega City Policing, Desert Policing, etc.; reimbursement of various types of security related expenditure under the SRE Scheme; deployment of Central Forces to aid and assist the State Police to deal with situations affecting internal security and public order; liberal grants to the State Governments for raising of India Reserve Battalions, including assistance for raising specialized forces; assistance for strengthening security arrangements in the coastal States; training and equipment support, etc. Based on ongoing reviews, the pattern of assistance under various Schemes has been substantially liberalized during the last few years and the quantum of assistance has also been stepped up. As a part of the process of ongoing review of various Schemes, and keeping in view the challenges posed by terrorist groups, it has also been decided to enhance assistance for strengthening of the State intelligence machinery by launching a separate Scheme for this purpose under the MPF.

SHRIMATI SHOBHANA BHARTIA: Sir, the Minister has said that the existing laws, the Unlawful Activities (Prevention) Act and the National Security Act, seem to be adequate to deal with such crimes. But, Sir, we know that the National Security Act is only an Act which is preventive by nature.

As far as the UAP Act is concerned, there are several loopholes in it. One of the main problems in it is that prior sanction is required either from the Centre or the State and that bail can also be given in the first three months. Neither of them deals specifically with the nature of a crime that is equivalent either to a planned mass murder or a terrorist act.

In the light of this, will the Minister let us know what are the specific amendments that the Government proposes to make in the existing laws to ensure that the investigating agency gets ample time to build watertight cases, especially against those accused of terror related crimes?

Sir, the Administrative Reforms Committee has also given a recommendation for increasing the time of police custody from two weeks to five weeks and to double the time for filing a charge sheet from existing 90 days to 180 days. It is also recommended that no person accused of an offence under the NSA should be given bail. Is the Minister considering any of these proposals?

SHRI SU. THIRUNAVUKKARASAR: Sir, I have a point of order. ...*(Interruptions)*... Sir, we can club these two questions. ...*(Interruptions)*...

MR. CHAIRMAN: We hardly have time even for an answer, ...*(Interruptions)*... I am aware of it. ...*(Interruptions)*... But there is no time to do it. ...*(Interruptions)*...

SHRI SU. THIRUNAVUKKARASAR: Sir, both of them can be taken together....*(Interruptions)*...

SHRI SHIVRAJ V. PATIL: Sir, this is an issue which has been discussed in the media, in the House, and in the political circles also. And this requires a lot of study of the existing law. If we study what is available in the Unlawful Activities (Prevention) Act, we would be able to understand that that law suffices to help the policemen in doing their duties. If any terrorist act takes place, in what fashion that terrorist act can be prevented is provided in the Unlawful Activities (Prevention) Act. If it takes place, how the persons, who are involved in it, should be proceeded against? That is also provided in it. It also provides that the flow of fund from one organisation to another organisation has to be stopped. It also provides that the information which is collected by the police, by using electronic methods, shall be admissible in a court of law. It also provides that if any officer who has committed any mistake in investigating into the matter, can dealt with in a proper manner. All these provisions are the provisions which are required to deal with the terrorist acts. They are provided in this law. What is it that we are not accepting is this. They say that the confession made by the accused to the police should be admissible in a court of law. This is something which goes against the basic principle of criminal jurisprudence. They say that the onus of proof should shift from the prosecution to the defence, that is, the accused person. This is also going against the principle of criminal jurisprudence. As far as providing a little more time for investigating into the cases to collect the information is concerned, it can be looked into. But, this is also a very controversial question. When this matter was taken up in the House of Lords, it was passed by a very narrow margin. They said that if you give more time to them, they are likely to misuse it.

MR. CHAIRMAN: I am afraid, the Question Hour is over.

WRITTEN ANSWERS TO STARRED QUESTIONS

New law to curb terrorism

*66. SHRI SU. THIRUNAVUKKARASAR: Will the Minister of HOME AFFAIRS be pleased to state:

(a) in how many places in India, bomb blasts have taken place and how many people have died in 2006-07 and 2007-08; and

(b) whether Government is going to bring any new law to curb terrorism?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI SHRIPRAKASH JAISWAL): (a) Apart from violence in the areas affected by militancy, insurgency and extremist activities *viz.*, J&K, some of the North Eastern States and some States affected by naxalite activities, terrorist acts by way of bomb blasts etc., have occurred periodically in some parts of hinterland in the country. A Statement showing major incidents of bomb blasts, as per available information, which occurred in 2006-07 and 2007-08 are as under: